

# EXHIBIT X



June 28, 2017

The Honorable Myron Jackson  
President, 32nd Legislature  
St. Thomas, USVI.

The Honorable Neville James  
Majority Leader, 32nd Legislature  
St. Croix, USVI

The Honorable Nellie O'Reilly.  
Vice-President, 32nd Legislature.  
St. Croix, USVI.

The Honorable Jean Forde  
Secretary, 32nd Legislature  
St. Thomas, USVI

Dear Senators:

Again thank you for the opportunity to testify on behalf of the Party on the issue of the eligibility of Senator-Elect Kelvin Rodriquez to be seated in the 32nd Legislature. I am writing to make a final plea on behalf of the Senate-Elect.

Based on testimony offered in Superior Court, on which Judge McKay judged him to have met the residency requirement, and that given yesterday, it is clear that Mr. Rodriquez lived in the Virgin Islands for the requisite 3 years prior to the election. Even Ms. Moses stated, "I can say for sure that he lived in St. Thomas."

He may have "domiciled" temporarily in Tennessee from around 2007 to 2012, but that ended in January 2013.

When all of the facts that indicate intent are further considered - filing of taxes (regardless of when), voting in 2014, seeking work when his contract with HOPE ended, taking an active role in two local campaigns and even running for office, etc. - it is clear that it was his intention to remain in the Virgin Islands and be "domiciled" here.

That the Supreme Court raised the issue of judicial estoppel has created the only substantive cloud over the residency issue. I think it is clear that under the duress of imminent eviction of his family, with paralegals having completed forms based on the financial information and home address in question, Kevin did not exercise the diligence of thoroughly reading the document and signed it. The other later document having been filed at the same time with the same information was signed under the same duress. Please note that his legal counsel stated that for perjury to exist, the act had to be deliberate. In this case it was not. But to go even further on this point, the Third Circuit did not even raise estoppel and in any case dismissed all of the prior cases, reserving not any part of any of them. AND THEN, the bankruptcy case does not exist anymore. It was vacated. To me, that makes even the mistake made a non-issue.



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It is also patently unfair to make an unsubstantiated claim that the forms filled out by paralegals ( and yes signed by Mr. Rodriguez) had the boxes in question checked only to make him eligible for a homestead exemption. As far as we know, Kevin was never aware of that exemption and there is no evidence that he did. That accusation must be withdrawn unless it can be proven.

Over a year ago, again under duress in order to have them filed with the bankruptcy case as required, Senator-Elect Rodriquez prepared 3 income tax returns. His recollection was unclear on when they were all filed. Be that as it may, the only jurisdiction in which the preceding year's beginning in 2013 were filed was in the US Virgin Islands.

While I agree that the Board of Elections Leadership should have been there and a subpoena is in order, there is nothing the Board can offer to substantiate or not on the residency issue. The Supervisor stated yesterday that her determination that he was an eligible candidate has not changed. Whether the contest was brought timely or not will not change the fact of Kevin's residency and that is the only one of the six criteria for qualification that is under question. A decision should not be delayed because the Chairman of the St. Thomas-St. John Board of Elections did not appear yesterday.

While you are correct to consider all of the information that has been brought forward, we urge you to focus only on the criteria for eligibility that are contained in the statute.

We are certain that in doing so you will find and decide that Senator-Elect has met the 6 criteria for eligibility and vote accordingly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donna M. Christensen'.

Donna M. Christensen, MD  
State Chair, Democratic Party of the Virgin Islands

Cc. Senators in the Majority of the 32nd Legislature